



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 11, 2017
Certified Mail/Return
7012 3460 0003 1112 8922

Wilderness Unlimited
22425 Meekland Ave.
Hayward, CA 94541

Attention: Rick Copeland, Corp. President

Subject: Wilderness Unlimited - Public Water System No. 0600032 - Citation No. 21-17C-013 for failing to report an annual nitrate sample for 2016.

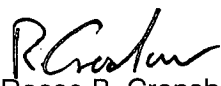
The Wilderness Unlimited water system is classified as a transient - noncommunity water system. Per Sections 64432 and 64469, Title 22, of the California Code of Regulations (CCR), Wilderness Unlimited is required to collect and report an annual nitrate sample from the ground water source. Our records show that the water system did not report an annual nitrate sample for 2016. Please read this citation carefully and complete all directives.

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the Water System for costs incurred for preparing and issuing a citation. In accordance with Section 116577, the Water System will be billed for the preparation and issuance of this citation.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please call Paul Rowe at (530) 224-4866 or me at (530) 224-4861.


Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosure

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 **Citation No. 21-17C-013**

2
3 STATE WATER RESOURCES CONTROL BOARD
4 DIVISION OF DRINKING WATER
5

6 **Public Water System:** WILDERNESS UNLIMITED

7 **Water System No.:** 0600032
8

9 **To:** Wilderness Unlimited
10 Attn: Rick Copeland, Corp. President
11 22425 Meekland Ave.
12 Hayward, CA 94541
13

14 **Issued:** May 11, 2017
15 VIA CERTIFIED MAIL
16
17

18 **CITATION FOR NONCOMPLIANCE**
19 **With Title 22 California Code of Regulations**
20 **Sections 64432 and 64469**
21 **Annual Nitrate Reporting Violation for 2016**
22

23 Section 116650 of the California Health and Safety Code (CHSC) authorizes the
24 issuance of a citation for failure to comply with a requirement of the California Safe
25 Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with
26 Section 116270), or any regulation, standard, permit, or order issued thereunder.
27

1 The State Water Resources Control Board (hereinafter "State Board"), acting by and
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
3 for the Division, hereby issues a citation to Wilderness Unlimited for failure to comply
4 with Sections 64432.1 and 64469(a & c), Title 22, of the California Code of
5 Regulations (CCR).

6 7 **APPLICABLE AUTHORITIES**

8 See Attachment 'A' for Applicable Authorities
9

10 **STATEMENT OF FACTS**

11 The Wilderness Unlimited water system (System) is classified as a transient -
12 noncommunity water system serving approximately 25 people. The System is
13 required to collect and report an annual nitrate sample from Well 02 in accordance
14 with Sections 64432.1(a) and 64469 (a & c), of the CCR. To date, the Division has not
15 received laboratory results for a nitrate sample collected in 2016.
16

17 **DETERMINATIONS**

18 The Division has determined that the Water System violated Sections 64432.1(a) and
19 64469(a & c), Title 22, of the CCR, in that the Water System failed to report an annual
20 nitrate sample result in 2016.
21

22 **DIRECTIVES**

23 The Water System is hereby directed to take the following actions:
24

- 25 1. Collect a sample for nitrate analysis within 30 days of receipt of this
26 Citation.

1 2. Comply with nitrate monitoring requirements specified in Sections
2 64432.1(a) and 64469 (a & c), Title 22, of the CCR in all future monitoring
3 periods.

4
5 3. The Division requests **that within 30 days** of the receipt of this Citation,
6 you notify all persons served by the Water System of this violation
7 according to Section 64463.7, Title 22, of the CCR. Notification shall be
8 completed in accordance with each of the following:

9
10 a. Provide the notice contained in **Attachment 'B'** by posting in
11 conspicuous locations throughout the area served by the water
12 system. Changes and/or modifications to Attachment 'B' shall not
13 be made unless approved by the Division.

14
15 4. Complete and return **Attachment 'C'** "Certification of Completion of Public
16 Notification" form within 10 days of giving public notice. A copy of the notice
17 used to provide public notification shall be attached to the form.

18
19 **Failure to complete Directive No. 3 above within one year will result in another**
20 **citation with possible civil penalties.** All documents required by this Citation to be
21 submitted to the Division shall be submitted to the following address:

22
23 Reese B. Crenshaw, P. E.
24 Valley District Engineer
25 Drinking Water Field Operations
26 Division of Drinking Water
27 State Water Resources Control Board
28 364 Knollcrest Drive, Suite 101
29 Redding, CA 96002



1 Nothing in this Citation relieves the System of its obligation to meet the requirements
2 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking
3 Water Act), or any regulation, permit, standard or order issued or adopted thereunder.
4 The Division reserves the right to make such modifications to this Citation, as it may
5 deem necessary to protect public health and safety. Such modifications may be
6 issued as amendments to this Citation and shall be effective upon issuance.

7 8 **FURTHER ENFORCEMENT ACTION**

9 The California SDWA authorizes the State Board to: issue citation with assessment of
10 administrative penalties to a public water system for violation or continued violation of
11 the requirements of the California SDWA or any permit, regulation, permit or order
12 issued or adopted thereunder including, but not limited to, failure to correct a violation
13 identified in a citation or compliance order. The California SDWA also authorizes the
14 State Board to take action to suspend or revoke a permit that has been issued to a
15 public water system if the system has violated applicable law or regulations or has
16 failed to comply with an order of the State Board; and to petition the superior court to
17 take various enforcement measures against a public water system that has failed to
18 comply with violates an order of the State Board. The State Board does not waive any
19 further enforcement action by issuance of this citation.

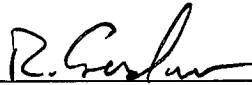
20 21 **PARTIES BOUND**

22 This Citation shall apply to and be binding upon the Water System, its officers,
23 directors, agents, employees, contractors, successors, and assignees.

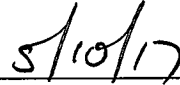


SEVERABILITY

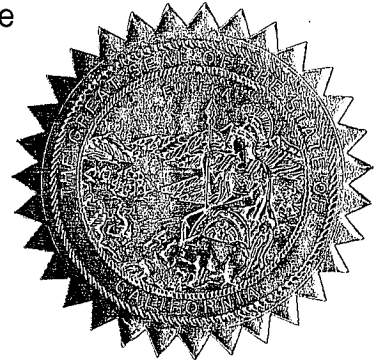
The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.



Reese B. Crenshaw, P.E., District Engineer
Valley District
Drinking Water Field Operations Branch



Date

**Attachments:**

Attachment 'A' - Applicable Authorities

Attachment 'B' - Public Notification Template

Attachment 'C' - Certification of Completion

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the Department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.*
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*

ATTACHMENT A

- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Section 64432.1, Title 22, of the CCR states in relevant part:

- (a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems using groundwater and transient-noncommunity systems using approved surface water shall monitor annually, and all community and nontransient-noncommunity systems using approved surface water shall monitor quarterly.*

Section 64469 (a & c), Title 22, of the CCR states in relevant part:

- (a) Analytical results of all sample analyses completed in a calendar month shall be reported to the Department (now Division) no later than the tenth day of the following month.*
- (c) Analytical results shall be reported to the Division electronically, using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions, dated April 2001 and Data Dictionary dated April 2001.*

Section 64463.7, Title 22, of the CCR States in relevant part:

Tier 3 Public Notice

(a) Each water system shall give public notice pursuant to this section if any of the following occurs:

- 1) Monitoring violations;*
- 2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or*
- 3) Operation under a variance or exemption.*

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

- 1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.*
- 2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.*
- 3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.*

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

**WILDERNESS UNLIMITED FAILED TO COLLECT A
ROUTINE ANNUAL NITRATE SAMPLE FOR 2016**

Our water system recently violated a water quality monitoring requirement. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

What should you do?

- There is nothing you need to do at this time.
- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

Wilderness Unlimited failed to report a routine annual nitrate sample in 2016, as required by state and federal regulations. These regulations require that public water systems notify their customers for monitoring violations.

Wilderness Unlimited will collect this sample on _____, 2017.

For more information, please contact Rick Copeland at 510-785-4868.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being posted by the Wilderness Unlimited.

State Water System ID#: 0600032. Date distributed: _____.

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Wilderness Unlimited

Public Water System No. 0600032

Public notification for the 2016 annual nitrate monitoring failure was performed by the following method(s):

Check and Complete

- a) _____ By posting of the notice in conspicuous locations served by the water system.

List Locations: _____

For this method, provide the date(s) that the notice was posted _____.

I hereby certify that the above information is factual.

Printed Name

Signature

Date _____